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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,028	09/26/2003	James W. Halliday JR.	030029	7706
9961	7590	01/09/2006		
PAUL A. BECK & ASSOCIATES SUITE 100 1575 McFARLAND ROAD PITTSBURGH, PA 15216-1808			EXAMINER MAZZUCA JR, DOUGLAS	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Tulz

Office Action Summary	Application No.	Applicant(s)	
	10/672,028	HALLIDAY ET AL.	
	Examiner	Art Unit	
	Douglas E. Mazzuca	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/26/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, and 8-9 are rejected under 35 U.S.C. 102(b) as anticipated by Smith et al. (US Patent No. 2,277,725). In regard to claims 1-2, Smith et al. disclose the following:

A method for making a metal sheet having a decorative pattern on a surface of the sheet comprising (**column 1 lines 1-4**): a metal sheet (**figure 3, 10**); applying an orbital abrasive pattern (**figure 4, gives the appearance of an 'angel hair' finish**) that is considered a decorative pattern (**column 3 lines 55-58; column 4 lines 6-14**) to the metal work roll (**figures 1-3, 12**); and applying the work roll having the decorative pattern under pressure to the metal sheet to imprint the decorative pattern to the metal sheet (**figure 3; column 3 lines 41-43**).

3. In regard to claim 8, Smith et al. disclose a second work (**figure 1, 13**) roll in alignment with the work roll (**figure 1, 12**) to which the orbital abrasive pattern has been applied (**column 3 lines 47-50**) and together both rolls exert pressure onto the metal sheet (**column 3 line 55-column 4 line 5**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent No. 2,277,725) in view of Saunders (US Patent No. 3,956,915). Smith et al. disclose all of the following including feeding the sheet metal from a continuous strip (**column 3 lines 31-33**), yet fails to disclose the metal sheet being in the specific form of a coil. Saunders teaches the metal sheet in the form of a coil of strip which is advanced to the work roll (**column 2 lines 55-56**). It is common practice in industry to warp sheet metal into coiled rolls for transportation purposes, manufacturing purposes, and storage purposes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a metal sheet supply in the form of a coil for storage reasons, and for ease in the manufacturing process.

6. Claims 4, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent No. 2,277,725) in view of Shannon (US Patent No. 6,138,490). Concerning claim 4, Smith et al. disclose all of the claimed information yet is silent as to the thickness reduction of the sheet metal. Shannon teaches a preferable sheet metal thickness reduction of 3% (**column 5 lines 48-50**), which is less than the

claimed limitation of 3.5% reduction. It would have been obvious to one skilled in the art at the time the invention was made to reduce the amount of thickness deformation in order to not aesthetically change the physical characteristics of the sheet metal.

7. In regard to claims 6-7, Smith et al. disclose all of the claimed information as listed above, yet fails to disclose the surface depth of either the work roll or the metal sheet surface after final production. Shannon teaches a work roll with a preferable surface depth between 25 and 45 micro inches (**column 4 lines 30-33**). Shannon also teaches the resulting decorated metal sheet to have a preferable surface depth between 15-36 micro inches (**column 4 lines 48-53**). Both of these ranges fall within the claimed limitations. The purpose of making indentations with small surface depth is to create the aesthetic illusion of a decorated 'brushed' surface on the sheet metal rather than large, deep swirls. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of Smith et al. and Shannon in order to apply an aesthetically pleasing decorative look on the sheet metal.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent No. 2,277,725). Smith et al. disclose all of the claimed information as listed above, yet fail to teach repeating the rolling process. However, at the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to repeat the process any number of times. Repeating the process would simply imprint more orbital indentations on the sheet metal, thus increasing the density of the decorative layer and in turn, change the appearance of the layer. This process makes for a variation of types of 'brushed' decorative layers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas E. Mazzuca whose telephone number is (571)272-7813. The examiner can normally be reached on 7:30AM-4PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571)272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Mazzuca
December 28, 2005

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ERIC COMPTON
PRIMARY EXAMINER

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